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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Richard J. Whitbourne et al : GROUP ART UNIT: 18615
SERIAL NO: 09/834,307 :
FILING DATE: April 12, 2001 : EXAMINER: R. Bennett
TITLE: TARGETED THERAPEUTIC AGENT :
RELEASE DEVICES AND METHODS : ATTY. DKT.: P-1663-1
OF MAKING AND USING THE SAME :

RESPONSE TO OFFICE ACTION

Commissioner For Patents
Washington, D.C. 20231

December 16, 2002

Dear Sir:

This paper is responsive to the office action mailed June 17, 2002 in the captioned application. Enclosed herewith, in a separate paper, is a petition for an extension of time to December 17, 2002 for reply to the office action.

AMENDMENTS

In the Claims

Amend claims 1-7, 9 and 12-14, and add new claims 18-22 as follows. Enclosed herewith, in a separate paper, is a version of each amended claim marked up to show the changes entered by the following amendments.

- A'
1. (once amended) A medicated device comprising:
a scaffold member suitable for implantation in a patient's body; and
a polymeric coating on the scaffold member, the polymeric coating containing at least one therapeutic agent.
 2. (once amended) The device of claim 1 comprising an anti-cancer therapeutic agent in the polymeric coating.

12/27/2002 CNGUYEN 00000041 09834307

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Approved for use through 10/31/2002. OMB 0553-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/834,307
	Filing Date	04/12/2001
	First Named Inventor	Richard J. Whitbourne
	Group Art Unit	1615
	Examiner Name	Rachel M. Bennett
Total Number of Pages in This Submission	Attorney Docket Number	P-1663-1

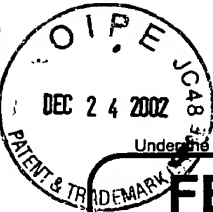
ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Frederick A. Spaeth
Signature	<i>Frederick A. Spaeth</i>
Date	DEC 13, 2002

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 12/16/02		
Typed or printed name	Constance M. Rursell	
Signature	<i>Constance M. Rursell</i>	Date December 16, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

DEC 24 2002



PTO/SB/M7 (10-02)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 586.00

Complete if Known

Application Number 09/834,307
Filing Date 04/12/2001
First Named Inventor Richard J. Whitbourne
Examiner Name Rachel M. Bennett
Art Unit 1615
Attorney Docket No. P-1663-1

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number 12-1302
Deposit Account Name Libert & Associates

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001	2001	740	370	Utility filing fee	
1002	2002	330	165	Design filing fee	
1003	2003	510	255	Plant filing fee	
1004	2004	740	370	Reissue filing fee	
1005	2005	160	80	Provisional filing fee	
SUBTOTAL (1)					(\$)-0-

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims 43 -20** = 14 x 9 = 126
Independent Claims 2 -3** = 0 x = -0-
Multiple Dependent = -0-

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1202	2202	18	9	Claims in excess of 20	
1201	2201	84	42	Independent claims in excess of 3	
1203	2203	280	140	Multiple dependent claim, if not paid	
1204	2204	84	42	** Reissue independent claims over original patent	
1205	2205	18	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$) 126.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051	2051	130	65	Surcharge - late filing fee or oath	
1052	2052	50	25	Surcharge - late provisional filing fee or cover sheet	
1053	1053	130	130	Non-English specification	
1812	1812	2,520	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	1804	920*	920*	Requesting publication of SIR prior to Examiner action	
1805	1805	1,840*	1,840*	Requesting publication of SIR after Examiner action	
1251	2251	110	55	Extension for reply within first month	
1252	2252	400	200	Extension for reply within second month	
1253	2253	920	460	Extension for reply within third month	460.00
1254	2254	1,440	720	Extension for reply within fourth month	
1255	2255	1,960	980	Extension for reply within fifth month	
1401	2401	320	160	Notice of Appeal	
1402	2402	320	160	Filing a brief in support of an appeal	
1403	2403	280	140	Request for oral hearing	
1451	1451	1,510	1,510	Petition to institute a public use proceeding	
1452	2452	110	55	Petition to revive - unavoidable	
1453	2453	1,280	640	Petition to revive - unintentional	
1501	2501	1,280	640	Utility issue fee (or reissue)	
1502	2502	460	230	Design issue fee	
1503	2503	620	310	Plant issue fee	
1460	1460	130	130	Petitions to the Commissioner	
1807	1807	50	50	Processing fee under 37 CFR 1.17(q)	
1806	1806	180	180	Submission of Information Disclosure Stmt	
8021	8021	40	40	Recording each patent assignment per property (times number of properties)	
1809	2809	740	370	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	2810	740	370	For each additional invention to be examined (37 CFR 1.129(b))	
1801	2801	740	370	Request for Continued Examination (RCE)	
1802	1802	900	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 460.00

SUBMITTED BY

Name (Print/Type) Frederick A. Spaeth Registration No. 33,793 Telephone (860) 651-9321
Signature [Signature] Date DEC 13 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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